



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Petersen et al.

Application No: 09/584,328

Group Art Unit: 1743

Filed: May 30, 2000

Examiner: not yet assigned

For: CARTRIDGE FOR CONDUCTING A CHEMICAL REACTION

**VERIFIED STATEMENT (DECLARATION) CLAIMING
SMALL ENTITY STATUS (37 CFR 1.9(c-f) and 1.27(b-d))**

With respect to the invention described in

☐ the specification filed herewith.

☒ application no. 09/584,328, filed May 30, 2000.

☐ patent no. _____, issued _____.

I. IDENTIFICATION OF DECLARANT AND RIGHTS AS A SMALL ENTITY

I hereby declare that I am

☐ the owner of the small business concern identified below:

☒ an official of the small business concern empowered to act on behalf of the concern identified below:

NAME OF CONCERN CEPHEID

ADDRESS OF CONCERN 1190 Borregas Avenue, Sunnyvale, CA 94089

_____ and

that the above identified small business concern qualified as a small business concern, as defined in 13 CFR 121.3-18, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees under Sections 41(a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

II. OWNERSHIP OF INVENTION BY DECLARANT

I hereby declare that rights under contract or law remain with and/or have been conveyed to the above identified

☐ person

☒ concern

☐ organization

EXCEPT, that if the rights held are not exclusive, each individual, concern or organization having rights to the invention is listed below* and no rights to the invention are held (1) by any person who could not be classified as an independent inventor under 37 CFR 1.9(c) if that person had made the invention, (2) any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or (3) a nonprofit organization under 37 CFR 1.9(e).

☒ no such person, concern, or organization

☐ person, concerns or organizations listed below*

III. ACKNOWLEDGEMENT OF DUTY TO NOTIFY PTO OF STATUS CHANGE

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

IV. DECLARATION

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

V. SIGNATURES

NAME OF PERSON SIGNING Kurt E. Petersen

TITLE OF PERSON President
(if signing on behalf of a concern or non-profit organization)

ADDRESS OF PERSON SIGNING CEPHEID, 1190 Borregas Avenue,

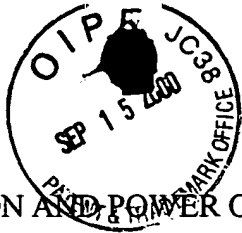
Sunnyvale, CA 94089

SIGNATURE

Kurt Petersen

DATE

8/30/00



DECLARATION AND POWER OF ATTORNEY

Attorney Docket No. 22660-0026US
Serial No. 09/584,328

As a below named joint inventor, each of us hereby declares as follows:

My residence, post office address and citizenship are as stated below next to my name.

I believe that I am an original, first, and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled:

CARTRIDGE FOR CONDUCTING A CHEMICAL REACTION

the specification of which was filed on May 30, 2000 as United States Application Number 09/584,328. I have reviewed and understand the contents of the above-identified specification, including the claims.

This application [in part] discloses and claims subject matter disclosed in my earlier filed provisional application Ser. No. 60/136,703 filed May 28, 1999 of which I claim the benefit under 35 USC §120 [or 119(e)].

I acknowledge the duty to disclose information of which I am aware that is material to the examination of this application in accordance with 37 CFR §1.56(a), including material information which occurred between the filing date of said prior application and the filing date of this [continuation-in-part] application, insofar as the subject matter of the claims is not disclosed in said prior application in the manner provided by 35 USC §112, first paragraph.

That, as to the subject matter of this application which is common to said earlier application, I do not know and do not believe: that this invention was ever known or used in the United States of America before our invention thereof; that this invention was patented or described in any printed publication in any country before our invention thereof or more than one year prior to said application; that this invention was in public use or on sale in the United States of America more than one year prior to said application; that this invention has been patented or made the subject of an inventor's certificate issued before the date of said application in any country foreign to the United States of America on an application filed by me or my legal representatives or assigns more than twelve months prior to said application; nor that any application for patent or inventor's certificate on this invention has been filed in any country foreign to the United States of America prior to said application by me or my legal representatives or assigns.

That, as to the subject matter of this application which is not common to said earlier application, I do not know and do not believe: that this invention was ever known or used in the United States of America before our invention thereof; that this invention was patented or described in any printed publication in any country before our invention thereof or more than one year prior to this application; that this invention was in public use or on sale in the United States of America more than one year prior to this application; that this invention has been patented or made the subject of an inventor's certificate issued before the date of this application in any country foreign to the United States of America on an application filed by me or my legal representatives or assigns more than twelve months prior to this application; nor that any application for patent or inventor's certificate on this invention has been filed in any country foreign to the United States of America prior to this application by me or my legal representatives or assigns.

I hereby appoint the following to prosecute this application and to transact all business in the United States Patent and Trademark Office connected therewith:

William B. Anderson, Registration No. 41,595
Y. P. Chow, Registration No. 30,740
Robert F. Dennis, Registration No. 40,988
Derek P. Freyberg, Registration No. 29,250
Walter Kurz, Registration No. 37,373
Edward Lynch, Registration No. 24,422
Priscilla H. Mark, Registration No. 41,970
William Schmonsees, Registration No. 31,796
Herwig von Morzé, Registration No. 29,484
Mark B. Floyd, Registration No. 41,022

Direct all telephone calls to: **William Schmonsees at (650) 324-7041**
Address all written correspondence to:


Heller Ehrman White & McAuliffe
525 University Avenue
Palo Alto, CA 94301-1900.


DECLARATION AND POWER OF ATTORNEY

Attorney Docket No. 22660-0026US
Serial No. 09/584,328

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of this application or any patent issuing thereon.

FIRST JOINT INVENTOR	INVENTOR'S SIGNATURE	DATE
Kurt E. Petersen		8/30/00
RESIDENCE		CITIZENSHIP
460 Oak Grove Drive #205		USA
Santa Clara, CA 95054		

SECOND JOINT INVENTOR	INVENTOR'S SIGNATURE	DATE
William A. McMillan		9/5/00
RESIDENCE		CITIZENSHIP
8051 Presidio Drive		USA
Cupertino, CA 95014		

THIRD JOINT INVENTOR	INVENTOR'S SIGNATURE	DATE
Farzad Pourahmadi		8/31/00
RESIDENCE		CITIZENSHIP
41013 Pajaro Drive		USA
Fremont, CA 94539		

DECLARATION AND POWER OF ATTORNEY

Attorney Docket No. 22660-0026US
Serial No. 09/584,328

FOURTH JOINT INVENTOR

INVENTOR'S SIGNATURE

DATE

Ronald Chang

Ronald Chang

8/30/00

RESIDENCE

CITIZENSHIP

3312 Hoover Street
Redwood City, CA 94063

USA

FIFTH JOINT INVENTOR

INVENTOR'S SIGNATURE

DATE

Douglas B. Dority

Douglas B. Dority

9/5/00

RESIDENCE

CITIZENSHIP

25 Castle Rock Drive
Mill Valley, CA 94941

USA